

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

KEITH McILWAIN,

Petitioner,

vs.

No. 9:02-CV-1046
(FJS/VEB)

MICHAEL K. NALLEY, Warden,
FCI Ray Brook,

Respondent.

APPEARANCES:

OF COUNSEL

KEITH McILWAIN

Pro Se

#05157-055

FMC +Devens

PO Box 779

Ayer, MA 01432

GLENN T. SUDDABY

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for the Northern

District of New York

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CHARLES E. ROBERTS

Asst. U.S. Attorney

FREDERICK J. SCULLIN, JR., S.J.

DECISION AND ORDER

Currently before the Court is Magistrate Judge Victor E. Bianchini's Report-Recommendation to which the parties have filed no objections. Having reviewed that Report and Recommendation and the entire file in this matter, the Court hereby

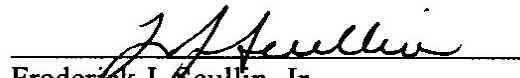
ORDERS, that the Report-Recommendation of Magistrate Judge Victor E. Bianchini filed January 7, 2008 is **ACCEPTED** in its entirety, for the reasons stated therein, and the Court further

ORDERS, that petitioner's application for a writ of habeas corpus is **DENIED** and **DISMISSED**, and the Court further

ORDERS, that the Clerk of the Court enter judgment in favor of the respondent and against the petitioner and close this case.

IT IS SO ORDERED.

Dated: February 7, 2008
Syracuse, New York


Frederick J. Scullin, Jr.
Senior United States District Court Judge